

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

John E. FELGAR,
PETITIONER,
VS.

CIVIL ACTION NO. # 04-196E

PA. Bd. OF PROB. & PAROLE, ET AL.,
RESPONDENT.

PETITIONER'S OBJECTIONS TO
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

NOW COMES, John E. FELGAR, Pro SE, PETITIONER, with
OBJECTIONS to MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION IN REFERENCE to the DENIAL ON the
motion For preliminary injunction AND STATES AS
FOLLOWS:

1. PETITIONER OBJECTS to the MAGISTRATE JUDGE'S
REPORT WHERE in the FIRST paragraph it STATES that
the PETITIONER is "CLAIMING that he HAS BEEN INCAR-
-CERATED illegally SINCE April 2004."

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CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

2. PETITIONER OBJECTS TO THE MAGISTRATE JUDGE'S REPORT WHERE IT BASES THE PETITIONER'S INSTITUTION OF THIS HABEAS CORPUS ACTION ON A MOOT MOTION (SEE: DOCUMENT #6 ORDER DISMISSING AS MOOT) IN REFERENCE TO (DOCUMENT #3, PAR. I) AS STATED IN THE REPORT.
3. PETITIONER AVERS THAT THIS HABEAS CORPUS ACTION WAS INSTITUTED ON AUGUST 3, 2004, BY ORDER OF THIS COURT ON JULY 22, 2004, THAT THE PETITIONER SHALL FILE WITH THE CLERK OF COURTS THE PROPER FORM REQUIRED FOR A HABEAS PETITION. (SEE: DOCUMENTS #1 AND #2).
4. PETITIONER AVERS THAT HE WAS UNLAWFULLY TRANSPORTED AND COMMITTED TO THE STATE CORRECTIONAL INSTITUTION ON AUGUST 29, 2002, AND WAS THEN ILLEGALLY INCARCERATED AND ILLEGALLY HELD AND CONFINED BY THE DEPARTMENT OF CORRECTIONS AND BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE. (SEE: DOCUMENT #2, PETITION FOR WRIT OF HABEAS CORPUS).

WHEREFORE, PETITIONER SUBMITS THESE
OBJECTIONS TO MAGISTRATE JUDGE'S REPORT
WHICH ARE IN ERROR AND REQUESTS THIS COURT
TO RECONSIDER THE MAGISTRATE JUDGE'S RECOM-
-MENDATION AND SET A DATE FOR ANOTHER HEARING
AND/OR TRIAL IN THIS MATTER.

DATE: 11/25/05

RESPECTFULLY SUBMITTED:

John E. Felgar

John E. FELGAR

PRO SE, PETITIONER

130 SOUTH PICKERING ST.

BROCKVILLE, PA. 15825

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT
COPY OF THE WITHIN PETITIONER'S OBJECTIONS TO
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
WAS SERVED UPON THE FOLLOWING INDIVIDUALS
VIA FIRST CLASS MAIL ON NOVEMBER 25, 2005:

OFFICE OF ATTORNEY GENERAL
COMMONWEALTH OF PA.
564 FORBES AVE
6th FLOOR, MANOR COMPLEX
Pittsburgh, PA. 15219
(1) ONE COPY

CLERK'S OFFICE
U.S. DISTRICT COURT
P.O. BOX 1820
ERIE, PA. 16507
(1) ONE ORIGINAL COPY
& (1) ONE COPY

DATE: 11/25/05

John E. Felgar
John E. FELGAR
PRO SE, PETITIONER
130 SOUTH PICKERING ST.
BROOKVILLE, PA. 15825